

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PENNY LOU FEY,)	
)	
Claimant,)	IC 04-006023
)	
v.)	ORDER
)	
TIDYMAN'S, LLC,)	
DBA CENTRAL COUNTY MARKET,)	
)	
Employer,)	filed October 18, 2004
)	
and)	
)	
ROYAL INSURANCE COMPANY)	
OF AMERICA,)	
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Robert D. Barclay submitted the record in the above-entitled matter, together with his findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with the recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

ORDER - 1

1. Claimant has not demonstrated that her herniated L5-S1 disk was incurred in an alleged February 24, 2004, industrial accident.

2. The remaining issues before the Commission in this matter are moot.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issues adjudicated.

DATED This __18th__ day of __October____, 2004.

INDUSTRIAL COMMISSION

_____/s/_____
R. D. Maynard, Chairman

_____/s/_____
Thomas E. Limbaugh, Commissioner

_____/s/_____
James F. Kile, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __18th__ day of __October____, 2004, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following:

ORDER - 2

CHARLES L GRAHAM
LANDECK WESTBERG JUDGE & GRAHAM PA
PO BOX 9344
MOSCOW ID 83843-0117

ERIC S BAILEY
BOWEN & BAILEY LLP
PO BOX 1007
BOISE ID 83701-1007

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_____/s/_____